

1853?

THE CITIZENS' COMMITTEE
OF TORONTO

JESUITS' ESTATES ACT.

D'ALTON MCCARTHY'S
GREAT SPEECH
IN THE HOUSE OF COMMONS.

(Reprinted with Mr. McCarthy's permission.)

PUBLISHED BY
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THE CITIZENS' COMMITTEE OF TORONTO,

have decided to publish the great speech made by Mr. D'Alton McCarthy, Q. C. (member for Simcoe, North Riding), in the House of Commons in support of Col. O'Brien's motion calling upon His Excellency the Governor-General to disallow the Jesuits' Estates Act.

This speech (which Mr. McCarthy has been good enough to revise personally at the request of the Committee) contains a most able and complete review of the whole case, both from a constitutional and historical point of view, and the Committee do not think they can do better than submit it to their fellow countrymen throughout the Dominion, convinced that after a calm review of the whole case, they will recognize the justice and necessity of taking part in the great work now only commenced.

The following is Col. O'Brien's motion :

"That it be resolved that an humble address be presented to His Excellency the Governor-General, setting forth: 1. That this House regards the power of disallowing the Acts of the Legislative Assemblies of the Provinces vested in His Excellency in Council, as a prerogative essential to the National existence of the Dominion. 2. That this great power, while it should never be wantonly exercised, should be fearlessly used for the protection of the rights of a minority, for the preservation of the fundamental principles of the constitution, and for safe-guarding the general interests of the people. 3. That in the opinion of this House, the passage by the Legislature of the Province of Quebec of the Act entitled 'An Act respecting the settlement of the Jesuits' Estates' is beyond the power of that Legislature.

"*Firstly*.—Because it endows from public funds a religious organization, thereby violating the undoubted constitutional principle of the complete separation of Church and State, and of the absolute equality of all denominations before the law.

"*Secondly*.—Because it recognizes the usurpation of a right by a foreign authority, namely, His Holiness the Pope of Rome, to claim that his consent was necessary to empower the Provincial Legislature to dispose of a portion of the public domain, and also because the act is made to depend upon the will, and the appropriation of the grant thereby made as subject to the control of the same authority. And

"*Thirdly*.—Because the endowment of the Society of Jesus, an alien, secret, and politico-religious body, the expulsion of which from every Christian community wherein it has had a footing has been rendered necessary by its intolerant and mischievous intermeddling with the functions of civil government, is fraught with danger to the civil and religious liberties of the people of Canada. And this House, therefore, prays that His Excellency will be graciously pleased to disallow the said Act."

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THE JESUIT QUESTION.

D'ALTON McCARTHY'S GREAT SPEECH

IN THE DOMINION HOUSE OF COMMONS.

[Reprinted from the "Hansard" by request, with permission of the author.]

Mr. McCARTHY.—At the close of the sitting last evening I rose somewhat reluctantly, and only because I thought if I did not seize that opportunity, you, Sir, would call in the members, and the opportunity of addressing the House would be lost. I thought then, and think now, that considering the nature of the motion which is before the House, it would not have been unreasonable for the Government, or some member of the Government, to have defended their action in the past in allowing the Bill under discussion, and to have given those reasons to us which, perhaps, would have justified their course, and, at all events, would have enabled those who differ from them to show wherein that difference lies. My hon. friend from Muskoka (Mr. O'Brien) is entitled to the thanks of this House and country for bringing this matter before Parliament. It would have been, I think, an everlasting disgrace to us if, in this, a free Parliament and free country, there would be no member found out of the 200 odd who compose this House, to give voice to the opinions of a very large body of the people who have been aroused with regard to this measure. I say when my hon. friend from Muskoka (Mr. O'Brien) gave reasons why he thought this Bill should still be disallowed, notwithstanding the action of the Government, when he assailed the action of the Government upon constitutional grounds, and when to that was added the attack made by my hon. friend from West York (Mr. Wallace), and the most elaborate attack, upon legal grounds, made by the hon. Member for North Victoria (Mr. Barron), it does appear to me that it would have been ordinary courtesy to those hon. gentlemen, and to the House itself, that some defence should have been made from the Treasury benches. I hardly think that we can take seriously the defence which has been offered by the hon. member for Lincoln (Mr. Rykert). I do not for myself take it seriously. With regard to the hon. member for Stanstead (Mr. Colby), the case is different. His remarks require attention, and from me they shall receive serious consideration. But, although my hon. friend from Lincoln (Mr. Rykert) is a gentleman of long standing in the House, he frankly told us that he prayed, as I understood him, that he never again would have to present himself before his constituents to ask for a renewal of their confidence.

Mr. RYKERT.—I did not say so.

Mr. McCARTHY.—I must have misunderstood the hon. gentleman, and, of course, take that back. Then my hon. friend, the other gentleman to whom I have referred (Mr. Colby), who spoke so feelingly and so ably,

whose voice we are always glad to listen to, whose wisdom we all recognize, is possibly a prospective Minister; but, although that be so, I think it would still have been perhaps better if we had heard from an actual Minister, and not a prospective Minister, on a question of this importance. It may be that before this debate closes the House will hear from the Treasury benches upon this subject. Their silence so far in the discussion is, I consider, hardly giving us fair play. Fortified by the leaders, opposite, fortified by the great number of hon. gentlemen who are going to support them in this House, I do think they should have allowed the small band here who are opposed to their action any possible advantage that could be given by the debate, and not have remained silent, but have given the reasons why the course of the Government should be sustained. However that may be, we must take the situation just as we find it, and I was not willing the discussion should close without giving the reasons why I am taking the course which I propose taking on this important matter, and in which I will have to separate myself from my political friends with whom it has been my pride and pleasure to act up to this time. The question must be considered in a two-fold aspect. It has to be considered as to its constitutionality in the narrower sense of the term, and as to its constitutionality in the wider sense of the term. If it is *ultra vires* the Legislature of Quebec, it ought to have been disallowed. If it is *intra vires*, if it is within the powers of the Legislature of that Province, then I still say it ought to have been disallowed. But the matters are so entirely separate and distinct—the one resting upon legal constitutional principles of one description, and the other depending upon considerations of a widely different character, that I have to ask the permission of the House to deal with these matters separately and distinctly. First, it is well we should clearly understand the character of the legislation which is assailed. It will not do to ignore the past; it will not do, as the hon. member for Stanstead (Mr. Colby) did, to say it is not necessary to consider fine spun legal arguments, or to deal with the question in that way. All these questions have first to be considered from the legal point of view. We have a very large volume, down to the present time, of the cases which have been disallowed, most of them because they were beyond the power of the Provincial Legislature to enact. Therefore, the first question which the Minister of Justice had to report upon was whether this Act was constitutional in that sense of the term. The first question was whether it was within the powers of the Legislature of the Province. Then the other question came before himself and colleagues—a matter more of great public policy than of law—as to whether on these grounds the measure ought to have been disallowed. It is well to look at the Act, and although I have no doubt that all of us have read the Act and pretty well understand it, yet I will ask the House to bear with me while I give shortly a summary of what I consider to be the salient features of this most extraordinary piece of legislation. It commenced by a letter from the Premier of Quebec, in which he addressed His Eminence the Cardinal, who, I suppose, occupies somewhat the position of the Prime Minister of His Holiness the Pope. In that letter Mr. Mercier, having recited the history of the case says:

"Under these circumstances, I deem it my duty to ask Your Eminence if you see any serious objection to the Government selling the property, pending a final settlement of the question of the Jesuits' Estates."

Here we have the Premier of one of our Provinces asking of His Holiness, or of the Secretary of the Propaganda, occupying the position to which I have referred, for permission, it being his duty, as he says so to do, to sell the property—asking him to see if there is any serious objection in the way of the Government selling the property, pending the final settlement of the Jesuits' Estates. It is sufficiently startling to find such a recital in a British

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Act of Parliament, and I venture to say it is unheard of, I venture to say that in all the legislation passed by the Parliaments of Great Britain or the Legislatures of any of the Colonies, you will search in vain to find any so humiliating statement as this very first clause of the Bill presents to you. But that does not seem to excite surprise in the power to which it was addressed, because the answer is in this form :

"I hasten to notify you that, having laid your request before the Holy Father at the audience yesterday, His Holiness was pleased to grant permission to sell the property which belonged to the Jesuit Fathers before they were suppressed, —"

So the permission is given——

"—upon the express condition, however, —"

So the condition is annexed——

"— that the sum to be received be deposited and left at the free disposal of the Holy See."

Thus the Province of Quebec is permitted to legislate. The first step has been gained in the settlement of this important question. The free Parliament of Quebec, entrusted under the British North America Act with important powers, and representing a mixed community, a community with which the Supreme Pontiff of Rome has no power to interfere as a temporal power, asks, and the Supreme Pontiff graciously grants, permission to that Legislature, to deal with what, I think I will show to the satisfaction of every member of this House before I close, was recognized as a portion of the public domain. Mr. Mercier did not see his way to allow this condition to be imposed. It could not be at the disposal of the Holy See, but—and to my mind it is a distinction without a difference—it was to be retained as a special deposit to be disposed of hereafter with the sanction of the Holy See. I do not know whether there is very much difference between these two provisions. It is a difference in words, but not a difference in fact or in substance, as the sequel has shown. Practically, it has been a gift to the Holy See, and has been distributed as to His Holiness the Pope seemed best. Then, having obtained this consent, as a condition precedent to the legislation, we find that negotiations were entered upon, and the result of these negotiations is that the lands of the Jesuits' Estates are to be left intact. That is another concession granted by the representative of the Holy See; and, instead of that, compensation in money is to be made, and the claim is presented, which we find amounts to \$2,000,000. As \$1,000,000 of that is the property of this Dominion, I do not think we have got rid of that claim yet. I do not suppose that the Province of Quebec could do more than make an arrangement in regard to that property which belonged to that province; but, in regard to that which belongs to this Parliament or to this Dominion, I suppose, by-and-bye, we will have our First Minister asking leave—because what can be assented to by the authorities here as right in the Province of Quebec would not be wrong in regard to the property belonging to the Dominion—we may have the First Minister here asking that the portion of that property belonging to the Dominion shall be dealt with by permission of His Holiness at Rome. I find further in these documents the following:—

"I deem it my duty to ask Your Eminence if you see any serious objection to the Government's selling the property, pending a final settlement of the question of the Jesuits' Estates."

There is no doubt at all about the meaning of this. There is no doubt about the understanding which is arrived at. Before the Government are put in full possession, and in order that they may be put in full possession of these estates, there is to be a compensation made, and, finally, the bargain is worked out, and the conditions of the bargain are, what? The conditions are that this arrangement is to be non-effective until it receives the sanction of His Holiness of Rome. It is to be ratified—that is the term used—but it means practically that it might be vetoed, and to make, no doubt, that

there was no attempt at conciliation or at sparing the feelings of those who are known to entertain strong feelings on this subject, this matter was not submitted to His Holiness of Rome until it was brought before the Legislature of that Province. Whether that was by arrangement or not, I do not know. Whether it was paying proper respect or not to the Sovereign Pontiff to ask him to express his approval or disapproval, I do not pretend to judge, but the legislation of the Province is clearly made dependent upon the act of His Holiness the Pope of Rome. Not only so—and then I have finished my summary of the Act—but the sum of money which is granted, the \$400,000 granted which is payable out of any money of the public revenue, is to be distributed, in effect, though perhaps not in the terms of the contract, under and with the sanction of His Holiness of Rome. Now, that is shortly the meaning of this legislation. I will have finished with the Act when I make a further observation, and I make it now, perhaps, a little out of place, but it must not be altogether lost sight of. This Act in effect does away with the purposes for which the Jesuit Estates were appropriated, and I think that is a matter of such great importance that I can only feel astonished at the calmness with which my hon. friend from Stanstead (Mr. Colby) regards it, and the indifference with which it has been received by the Protestant portion of the Province of Quebec, as my hon. friend has stated. This Bill puts into the general fund an amount which was granted for educational purposes. It misappropriates—I do not use the term in a technical sense, for I quite recognize the right of the Province to use the fund—but from a general standpoint it misappropriates this fund by providing that \$400,000 may be paid thereout to a certain institution. Now, having said so much as to the Act, let me say a word or two as to the property, and that brings me to what might be a long history and a long statement, and I hope the House will not be impatient with me when I deal with this somewhat complicated matter, which I will endeavor to make as plain as I can. I do not accept the theory which I have seen put forward in some quarters, that the Jesuits held their estates in trust for educational purposes. As far as I have been able to examine the deeds—and I have examined the statement made in the year 1824—these estates were given to them in fee simple for all time. So far as I can judge from the history of the body at that time, it was not an uncommon thing for the Jesuit Fathers to accumulate both lands and goods in very considerable quantities. I find that one of the accusations made against them was avarice; one of the causes of the suppression of their order shortly after that, was the complaint made by the other orders of the Church, that they were avaricious, and that they accumulated wealth unduly in their order, notwithstanding the vow of poverty which they had taken. But however that may be, I think it is quite plain that they did hold these estates for themselves. Now, then, just let me trace the story of events by which this country became subject to the British Crown. We must never forget—I am afraid that some of my friends from the Province of Quebec do sometimes forget—that this is a British country, that by the fortunes of war that event was decided, and the greater half of North America passed under the British Crown; and that being so, effect had to be given to the laws to which the country then became subject. Now, what were those laws? Granting, Sir,—which is not quite accurate—that the Jesuits held these estates at the time of the Conquest—I spoke before of the manner in which they held them originally,—but granting they held them at that date—which would not be accurate—when we have before us the decree of the Parliament of Paris, suppressing the Jesuit Order in the year 1762, taking from them their land; when we have that, it would not, I say, be strictly accurate to affirm, that at the time of the Definitive Treaty in 1763, these Jesuit Fathers held their

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estates as they certainly did aforetime. But even if they did, while admitting freely that this country, New France, having then a settled law, and passing under the British Crown as a conquered country, while I admit freely, that the British law did not, by virtue of the conquest, become the law of New France, I do say, it is beyond all doubt, that it was in the power of the conquering State to enact such laws as to the conquering State seemed proper, to change the civil law which then prevailed, and to introduce the common law of England. It is beyond all controversy that, the treaty having been agreed to on the 10th February, 1763, on the October following, the King did issue a proclamation that introduced at once into this country, the laws of Great Britain, and that those laws continued to be the laws of this country until, in 1774, the Quebec Act was passed, which restored to the French Canadian inhabitants, the civil law which they liked best, to which they were accustomed, and for which they had sued to the King and to the British Parliament. The constitutionality of the proclamation, the power of the King to introduce English law, is not now open to controversy, because the very self-same treaty underwent consideration in the celebrated case with which all lawyers who have made any attempt to master this subject are perfectly familiar; and it was upheld as constitutional, as a proper exercise of the prerogative power, and as being binding and efficacious to the full extent and limit of the command contained therein. Now, Sir, what was the effect of that? It will not be denied that at that time the Jesuits were an organization which could not be tolerated by the laws of England. I am not going now into any argument, any citation, to establish that point; it is beyond controversy. It was laid down by the law officers of that day—I have their citations here to establish it—it was laid down by Blackstone in his Commentaries, the first edition of which was published shortly before that period, that the Jesuit organization was an illegal one, and then the moment British laws were introduced into this country, *ipso facto* the Jesuits' estates became forfeited to the Crown, and the title of the Crown to these estates has always been recognized from that period up, has always been considered as indefeasible. If sanction was wanted for it, we could find it by the action of the Parliaments of this country, upon petition of the French Canadian people of the country, who desired that the lands should be kept for educational purposes when it was proposed to give out of these lands, and perhaps the lands themselves, to General Amherst, who had been the general in command at the time of the cession. So not only have we, as I will prove, the law that was enunciated by the law officers of the Crown, by the highest authorities of the day, but we have the action of our own Parliaments, the Parliament of the Province of Quebec before the Union, the Parliament of United Canada after the Union; and yet, Sir, here, 100 years afterwards, we find the Premier of the Province suing humbly to the Pope of Rome for liberty to sell the Jesuits' Estates. Can humiliation go much further, if we are indeed a free people.

Some hon. MEMBERS.—Ha! Ha!

Mr. McCARTHY.—Some of my hon. friends laugh; I do not see any laughing matter about it, I cannot see why they should laugh about it. If the property is in the condition that I have proved it to be, I think the conclusion that I have stated follows from it; and if we are a free people, if the Act of Supremacy means anything, if we are not subject to His Holiness of Rome in temporal matters—I am not speaking of spiritual matters, I am speaking of the public domain of this country, I am talking about the temporal power, it was of that power that consent was asked to dispose of the estates—and so I say it is a humiliation to us as a free people to find that one of the Premiers of this Dominion has thought it necessary to obtain

the sanction of any foreign authority to dispose of this property. It is argued that the Pope is no longer a foreign potentate; I think he is. His temporal power was never feared, it was the spiritual power which was struck at by the Act of Supremacy, not the temporal power of the Pope. It was the power he claimed to excommunicate sovereigns, to absolve peoples from their allegiance—these were what were struck at by the Act of Supremacy, not his guns or his men, for guns and men he never had in numbers to alarm or affect any of the great powers of Europe. Now, Sir, am I right or am I wrong, in what I have stated?—because I desire to make no misstatement of this question. Let us just see what the law officers of the Crown stated at that time. We know how it was done. The law officers, I believe, at that time, were Mr. Thurlow, the attorney-general, and Mr. Weddenburn, solicitor-general, both distinguished lawyers, but neither of them, perhaps, competent to give an opinion in matters of civil law. Sir James Marriott was skilled in civil law and in ecclesiastical law, and he was called upon for a report—merely for a report, because the responsibility still rested with the law officers of the Crown. Extracts of his report have been published, and we are more or less familiar with them, and his report established, and the law officers adopted his conclusion, that the Jesuits' Estates were at once forfeited to the Crown. That under the Treaty there was no claim for either the Jesuits or for other religious communities; but, anxious as the Sovereign was—and, I say, if you will look back at the history of that period, no man with British blood will have cause to regret the conduct of the British authorities in those days or the manner of their disposition—the Sovereign said:

"The Jesuits are beyond the pale. We cannot listen, for one moment, to their holding their estates, but the other religious communities are to be permitted to remain in possession of their estates, and they are to remain there for the purpose of enabling us to judge whether it is necessary under the treaty (afterwards, under the Statute of 1774, they were continued in their possession), in order that effect might be given to that portion of the Treaty, and that portion of the Act of Parliament, which guaranteed to the inhabitants of the conquered country their rights."

I shall have to trouble the House with reference to the facts which govern the whole subsequent proceedings, and let me commence with the earliest date. On 13th August, 1763, in the instructions which were given by the Earl of Egremont to Governor Murray, we find these words:

"Though the King has, in the 4th article of the Definitive Treaty, agreed to grant the 'Liberty of the Catholic religion to the inhabitants of Canada;' and though His Majesty is far from entertaining the most distant thoughts of restraining his new Roman Catholic subjects from professing the worship of their religion according to the rites of the Romish Church, yet the condition expressed in the same article must always be remembered, viz. :—'As far as the laws of Great Britain permit:' which laws prohibit absolutely all popish hierarchy in any of the dominions belonging to the Crown of Great Britain, and can only admit of a toleration of the exercise of that religion. This matter was clearly understood in the negotiation of the Definitive Treaty. The French Ministers proposed to insert the words *comme ci-devant* in order that the Romish religion should continue to be exercised in the same manner as under their Government; and they did not give up the point till they were plainly told that it would be deceiving them to admit those words, for the King had not the power to tolerate that religion in any other manner than 'as far as the laws of Great Britain permit.' These laws must be your guide in any disputes that may arise on this subject; but at the same time that I point out to you the necessity of adhering to them, and of attending with the utmost vigilance to the behaviour of the Priests, the King relies on your acting with all proper caution and prudence in regard to a matter of so delicate a nature as this of religion; and that you will, as far as you can consistently with your duty in the execution of the laws and with the safety of the country, avoid everything that can give the least unnecessary alarm or disgust to His Majesty's new subjects."

That is the foundation of all the subsequent proceedings. We find in 1765 these instructions further given, and they are found in the commission to the King's Receiver General, and read as follows:—

"And whereas the lands of several religious societies in the said Province, particularly those of the Society of the Jesuits, are, or will become, part of His Majesty's revenue, you are therefore

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to endeavor, by agreements to be made with the persons interested for the present in any of the said estates, to take the said estates into your charge, giving unto them respectively such competent allowance thereon for their lives, as you may judge proper, taking care that these lands may not be sequestered or alienated from His Majesty."

Again, in a letter from Lord Shelburne to Governor Carleton, November 14, 1767, we read :

"It has been represented to His Majesty that the Jesuits of Canada make large remittances to Italy, and that they imperceptibly diminish their effects for that purpose * * * Too much care cannot be taken that they do not embezzle an estate of which they enjoy only the life-rent and which must become on their demise a very considerable resource to the Province, in case His Majesty should be pleased to cede it for that purpose."

As to the effect which is to be given to the treaty, although perhaps I have said enough on that point, I want to fortify my position. I do not expect hon. gentlemen will be willing to take my *ipse dixit* in a matter of this kind, and I desire to establish from the public records the doctrines which were held by the law officers at the time, in order to make good my point. Sir James Marriott reported at great length, and the book is accessible to all, and no doubt many hon. members have taken advantage of it. He reports on this particular question, which hon. members can easily understand when we look at the terms of the treaty. Let me read from it :

"His Britannic Majesty agrees to grant the liberty of the Catholic religion to the inhabitants of Canada ; he will consequently give the most effectual orders that his new Roman Catholic subjects may profess the worship of their religion according to the rights of the Roman Church as far as the laws of Great Britain permit."

Now, we all see the difficulty that at once arose. The laws of Great Britain at that time hardly permitted the exercise of the Roman Catholic religion. The law officers of the Crown, however, decided that this was not to be treated as a dead letter, but that full effect in every way must be given to the treaty. The difficulty was in reconciling the exercise of the Roman Catholic religion with the laws of Great Britain, which practically forbid the practice of that religion, and so the proposition is worked out. And how is it worked out ? Sir James Marriott gave an opinion on this point as follows :—

"Now, I consider that the laws and constitution of this Kingdom, permit perfect freedom of the exercise of any religious worship in the colonies, but not of all sorts of doctrines, nor the maintenance of any foreign authority, civil or ecclesiastical, which doctrines and authorities may affect the supremacy of the Crown, or safety of your Majesty and the realm ; for a very great and necessary distinction, as it appears to me, must be taken between the profession of the worship of the Romish religion, according to the rites of it and its principles of church government. To use the French word, the *culte*, or forms of worship or ritual, are totally distinct from those of its doctrines. The first can, may and ought, in my opinion, by good policy and justice to be tolerated, though the second cannot be tolerated."

Mr. Wedderburn, afterwards Lord Loughborough, gave an opinion on the same subject. Speaking more especially in regard to the Jesuits, he said :

"The establishment of the first (the Jesuits) is not only incompatible with the constitution of an English province, but with every other possible form of civil society. By the rule of their order the Jesuits are aliens in every government. * * * They are not owners of their estates but trustees for purposes dependent upon the pleasure of a foreigner, the General of their order. Three great Catholic states have, upon grounds of policy expelled them. It would be singular if the first Protestant state in Europe should protect an establishment that ere now must have ceased in Canada had the French Government continued. * * * It is, therefore, equally just and expedient, in this instance, to assert the sovereignty of the King and to declare the lands of the Jesuits are vested in His Majesty, allowing at the same time to the Jesuits now residing in Canada liberal pensions out of the income of their estates."

This opinion was reported by him, as one of the law officers of the Crown, and the law officers of the Crown based upon it the foundation of what was afterwards embodied in regard to this subject in the Quebec Act. Then we find in the Quebec Act that while the religion of the inhabitants of the country was specially protected, that the religious communities were excepted therefrom and that they were left to be dealt with by the Crown, thereby leaving those matters just as they stood,—dependent on the conquest, by virtue of that conquest and by virtue of the proclamation, leaving matters exactly as they stood with regard to the religious communities, and dealt with the people of the country as distinct and separable from their re-

ligious communities. Then let me read what was the outcome of the Quebec Act. It was passed in 1774, and in 1775 express instructions are given to Guy Carleton, the Captain General and the Governor in Chief of the Province of Canada, and these are the instructions :

"That the Society of Jesus be suppressed and dissolved, and no longer be continued as a body corporate and politic, and all their rights, possessions, and property shall be vested in Us, for such purposes as we may hereafter think fit to direct or appoint ; but we think fit to declare Our Royal intention to be, that the present members of the said Society as established at Quebec, shall be allowed sufficient stipends and provisions during their natural lives."

Now, can it be reasonably argued, that the Estates of the Jesuits did not vest and pass to the Crown, and were not held by the Crown? I have spoken of this simply as a lawyer, I have spoken of it simply upon the grounds and with reference to the authorities which I find. I offer no opinion of my own about it, and I simply state facts as I find them. Let me follow up a little further and see what becomes of these estates. Sir James Marriott's opinion is again invoked, but I will not trouble the House with this long extract. Sufficient to say that it substantially agrees with his former opinion. In a few words, just to summarize what he states, he says :

"In a few words the Society of Jesus had not and cannot have any estate in Canada legally and completely vested in them: at any time, and therefore could not and cannot transfer the same before nor after the term of eighteen months so as to make a good title to purchasers, either with or without the powers or ratification of the Father General who, as he could not retire, so he cannot retain any possessions in Canada, since the time limited for the sales of estates there agreeably to the terms of the treaty ; because he is as incapable of becoming a British subject, as he was of being a French subject ; nor can the individuals of the communities of the Jesuits in Canada, take or transfer what the Father General cannot take or transfer ; nor can they, having but one common stock with all other communities of their order in every part of the globe, hold immovable possessions, to be applied for the joint benefit of those communities which are resident in foreign states ; and which may become the enemies of His Majesty and the government."

Mr. MILLS (Bothwell).—That is the third opinion as to how the estates are confiscated.

Mr. McCARTHY.—It is the third opinion. It is the same report to which I have referred, or rather it is the second opinion on this special question submitted to Sir James Marriott with regard to the Jesuits' properties. Now, in 1770, General Amherst, then Lord Amherst, I believe, petitioned the Crown to be compensated for the services which he had rendered the country in the conquest of Canada out of these estates ; or rather he made a petition generally, and the King ordered and directed that the General should be compensated, and compensated out of the Jesuits' Estates. I only state that to show that these estates were dealt with at that time beyond all peradventure as part of the Crown lands. Now I would read one extract which shows the different manner in which the Jesuits were treated from the other religious communities ; by-and-by, perhaps, it may be my duty to point out why it was so, for I cannot very well, however much I would wish to avoid it, however much I would wish to do as my hon. friend behind me (Mr. Colby) did, ignore the past. I am afraid it will be impossible to treat this subject properly without some little reference to the historical facts we have relating to the Jesuit Order. But however that may be, we find that the Royal Instructions in 1772 were conveyed in this way :

"It was declared that for the present and until we be fully informed of the true state of the religious communities, and how far they are or are not essential to the exercise of the religion of the Church of Rome as allowed in the said province, to permit those religious communities to remain in possession of their estates."

There was a clear line of demarcation in dealing with the ordinary religious communities. I, perhaps, am not familiar enough with the language to state what that difference was, but there was a clear distinction drawn between the ordinary religious communities, if I may so express it, and the particular body which is now more especially under discussion. Now we have come down very nearly to 1791 or 1792. We have got things down to the period in

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which the Province was granted a species of representative government which continued up to the union of 1840 or 1841; and we find, if we consult history, that there was a loud protest against the King appropriating this property. It was no denial of his right, but it was against the wisdom and fairness and justice of his handing over this property to the General who had conquered the country; the allegation being put up then, and then, so far as I know, for the first time, that this property had been really given to the Jesuits for the purpose, and in trust, for education. I think, Sir, that if you will consult Mr. Garneau's History, which I believe is the history most acceptable to my hon. friends from the Province of Quebec, that it will be found as early as 1800 that that matter was brought prominently before the Legislature, and from that time out the agitation in that view was kept up so briskly and so successfully that in 1830 or in 1831 the Crown ceded and granted to the Province all these Jesuits' Estates for the express purpose for which it had been asked, and that was for the purpose of education. The Province accepted the trust, the Province dealt with it on that footing; and if I may read the first section of the Act, chapter 41, William IV., passed in 1832, we find that by an Act of the Province it was stated:

"That all monies arising out of the estates of the late Order of Jesuits which now are in or may hereafter come into the hands of the Receiver General, shall be applied to the purposes of education exclusively."

Again, in 1846, 9 Victoria, chapter 59, another legislative declaration, this time by the united Provinces, says:

"That the revenue and interests arising from the real or funded property forming part of the estates of the late Order of the Jesuits and now at the disposal of the Legislature for educational purposes in Lower Canada, shall be, and are hereby declared to be applicable to such purposes, and to no other."

And, finally in 1856, 19 and 20 Victoria, chapter 54, the legislation on the matter says:

"The estates and property of the late Order of the Jesuits, whether in possession or reversion, including all sums funded or invested, or to be funded or invested as forming part thereof, are hereby appropriated for the purposes of this Act and shall form a fund to be called the Lower Canada Superior Education Investment Fund."

I think if there ever was a title to an estate or property recognized by legislative action, clear in its origin, made more certain and more definite at every stage in which we find it cropping up from time to time, it is the title to the Jesuits' Estates. When we are asking His Excellency the Governor-General to disallow this Act, when we are taking upon ourselves the responsibility of saying yea or nay on that question, it is impossible that we can deny to ourselves the opportunity of scrutinizing every syllable and every letter in it; and I find here:

"The Act of the Legislature, 42 Victoria, chapter 10, notwithstanding section 5 of the said Act, and notwithstanding any other Act to the contrary, shall apply to the said estates, the proceeds may be applied also, notwithstanding any Act to the contrary, for the above mentioned purposes, or for any other purposes approved by the Legislature."

So that this special property, set apart for education in the Province of Quebec—not the education of the majority, to whom my friend behind me pays such humble court, but for all the people of the Province of Quebec, the minority as well as the majority—has been swept away by this enactment; although, when the Premier was taxed in Quebec the other day with the question, his answer was by no means such as might have been expected, but was evasive, and not, I am afraid, altogether according to the record. If ever there was legislation which we could interfere with on such grounds, it is this;—property given by the Crown, for the express purpose of the education of the people of the province; property which remained for that purpose from the year 1831, to the year 1888; property which a Parliament, elected under an excitement of race and revenge, has decided should be taken away from the minority, as well as the majority, and dedicated to other pur-

poses and other uses. Well, Sir, I say—and that is my first proposition—if I have satisfied this House, that this property was public domain—and, if I am not able to satisfy the House of that, I am incapable of making any statement—then the proposition with which I started is made out, that this Act uses Her Most Gracious Majesty's name as enacting that, her own estates, or the estates she had surrendered to the Province of Quebec, for the purposes of education, were not hers, not the Province's. All this history of the past is to be blotted out; it is to be all child's play; the Crown did not own, the Crown did not get, the Crown did not take, the Crown did not grant a rod, but went through a farce, when it dedicated the property for educational purposes, at first to the Province of Quebec, and again, to the United Provinces of Upper and Lower Canada. All that was humbug, nonsense, child's play; the property was all the time vested in either the Sovereign Pontiff, or in the Order of Jesuits; and, as a result, the Pope is applied to as the only authority which could authorize the disposal of this property which, most people had thought, belonged to the Crown, for permission to dispose of it. Let me do no injustice: let me read the words again:

“Under these circumstances, I deem it my duty to ask Your Eminence if you see any serious objection to the Government's selling the property, pending a final settlement of the question of the Jesuits' Estates.”

If the Supremacy Act is in force, and whether it is in force or not, I hold it to be, and I believe it can be established to be, a well settled principle of international law, that no foreign authority or power—I care not whether it be temporal or spiritual—can be allowed to interfere with the affairs of another country or another state; and if that be the rule of international law—as I think my hon. friends, if they choose to consult the authorities, will find it to be—how much more does that principle apply to the municipal law of the country, and to the law of Queen Elizabeth, which has been handed down and made especially applicable to this country by the Quebec Act of 1774. Now was it possible, I say, that such an Act of Parliament should be submitted to His Excellency the Governor General, upon which he was to pass by the advice of his Minister of Justice, and that the Minister of Justice should report on it—how? Why, Sir, with a dozen other bills of no more consequence than an Act incorporating a joint stock company or a railway company—no explanation, no justification, no reasons given. I regret that I have not heard the argument of the hon. Minister of Justice. I may do him an injustice; but I read here, that when an appeal was made from the Evangelical Alliance or some other body in Lower Canada—those people who my hon. friend says are willing that this legislation should stand—the hon. Minister of Justice reported that this was a “fiscal matter.” Sir, I do not understand the Queen's English if this can properly be described as a fiscal matter. But so it passed before His Excellency, and upon that His Excellency has acted; and I trust the opportunity will be afforded to His Excellency to reconsider that question, and see whether Her Majesty's name is thus to be trailed in the dust, is thus to be dishonored, and whether this legislation should not disappear from our Statute books, whether it be provincial or federal. Well, I assail this, not merely upon that ground. I assail it upon other grounds. I say that either this Act is unconstitutional, that it is *ultra vires* of the Province, that it ought to have been disallowed upon that ground, because it violates a fundamental principle of this country, that all religions are free and equal before the law; or, if that be not so as a legal proposition, then, Sir, I claim that there should have been exercised that judgment, that discretion, that policy, which would at once stamp out in whatever province it reared its head, the attempt which has been made here

to establish a kind of State Church amongst us. Sir, is that law or is it not? We find that in the good old days a Protestant Church had to be despoiled; and for my part, Sir, I have never regretted that the Clergy Reserves were secularized, and I do not believe that any one who belongs to that Church can say that that measure has proved injurious to it. It placed it on a footing of equality with the other religious bodies throughout the Provinces; and I believe that Church has grown and prospered far more as a Church, holding no legal pretence of superiority over other religious bodies, than it would have done if it had continued to hold the Clergy Reserves, no matter how much wealth they might have added to its coffers. Now, what do we find in this Bill, enacted by the United Parliament of Canada—an Act referring to Upper Canada and Lower Canada, and so far as I know, to this very moment, the law of the Province of Quebec? First, we do know that the laws of the Provinces which were in force at the time of the British North America Act, remained in force until repealed. And what do we find:

"Whereas the recognition of legal equality among all religious denominations is an admitted principle of colonial legislation, and whereas, in the state and condition of this Province, to which such a principle is peculiarly applicable, it is desirable the same should receive the sanction of the direct legislative authority, recognizing and declaring the same as a fundamental principle of civil policy. Therefore the free exercise and enjoyment of religious profession, without discrimination or preference, so long as the same be not made an excuse for acts of maliciousness, or a justification of practices inconsistent with the peace and safety of the Provinces, is, by the constitution and laws of these Provinces, allowed to all Her Majesty's subjects therein."

There is a legislative declaration of what every man who lives in this country has always understood to be the law. Does this enactment of the Province of Quebec violate that principle? Is the grant of \$400,000, to be distributed under the sanction of His Holiness of Rome, not a grant of public money to a particular Church? I am not saying whether the Church may or may not be the correct Church: I am simply speaking of the legal principle. I ask, how is that? Let me give you an answer from the books of the Legislature when the Clergy Reserves were secularized. What were those Reserves? They were lands belonging to the Crown, held in trust for the support and maintenance of the Protestant faith, and held to apply to the Church of England and the Presbyterian Church of Scotland. When these lands were secularized, it was declared that the Act was for the purpose of sweeping away the last vestige of connection between Church and State. The holding of these lands by the Crown for this purpose formed a connecting link between Church and State, which Parliament stated should be swept away, which the representatives of the Province of Quebec joined with those from the other Provinces in saying should be swept away. Will any man of common sense tell me that this grant of \$400,000, given as it is given, is not a recognition of Church and State? How is it given?

"The aforesaid arrangements, entered into between the Premier and the Very Reverend Father Turgeon, are hereby ratified, and the Lieutenant-Governor in Council is authorized to carry them out according to their form and tenor."

"The Lieutenant-Governor in Council is authorized to pay, out of any public money at his disposal, the sum of four hundred thousand dollars, in the manner and under the conditions mentioned in the documents above cited, and to make any deed that he may deem necessary for the full and entire execution of such agreement."

Then the document I have just cited declares that this \$400,000 is to be distributed under the sanction of his Holiness the Pope of Rome. Now, I have heard it said—I rather think I heard the First Minister applauding the sentence—that this was given for the purposes of education. Surely the First Minister has not read the Act, or he would never assent to a statement of that kind. Education—why, if it is possible to draw a distinction in an Act of Parliament, it is drawn here. While the \$60,000, which is the supposed compensation to the minority, is expressly given for education—expressly tied up, and is not to go to any sectarian purposes—the other is

left subject to the disposition of His Holiness of Rome. There is but one condition annexed, and that is that this money is to be spent within the Province of Quebec. That is the sole condition. We have had an indication in the press this morning that a bull or a brief, whatever be the correct ecclesiastical term, either has been or is to be issued, disposing of this money. Do you want any further evidence that the grant was made absolutely subject to the disposition of a particular religious body? If so, on what pretence, on what ground was it made. Was there a legal claim? Mr. Mercier says no. Was there a moral claim? I would like to know who will answer this. Even my hon. friend behind me will not say that. He and his Protestant friends have always repudiated the idea of a moral claim. What pretence of a moral claim is there? Where is it? In whom is it? Why, the Jesuits of those days, if they held it individually, are extinct. They left no heirs. If they held it as a community, and undoubtedly that was the opinion of the law officers of the Crown—an opinion which I humbly venture to think was right—it belonged to the whole body. That was held by the Parliament of Paris in the great Trading Case, where the General Superior of the Order repudiated the liability contracted by one of the communities or one of the Jesuits. After full investigation, after an appeal to the highest tribunal, the tribunal of the Parliament of Paris—and hon. gentlemen, I am sure, from the Province of Quebec will not object to that—my hon. friend from Montreal (Mr. Curran) laughs. He is an Irishman and perhaps despises the Parliament of Paris. I confess I do not join with him, although I am Irishman also. I rather think that must have been a very important appellate body. At all events, if you will read the report of the Attorney-General with regard to that, if you will read the proceedings, if you will remember that all the books of the Order were for the first time brought into court in order that the Order might escape liability, and repudiate responsibility, and make it appear that they were not bound to these merchants for the money that Father Laviallette owed—if you will look at all that, you will see the result was the court determined there was a solidarity amongst all the communities, and that the Jesuit property belonged to, and was at the disposal of, the General of the Order and was vested in him alone. I have taken the trouble to examine into the authority of the General of the Order, and if it were not too tedious, I would give some extracts which would abundantly establish that. I, therefore, contend there can be no pretence of a moral claim. Is the incorporated body of the other day the successors of these men of 1763? On what pretence? If I read the Act of incorporation aright, I understand it to mean that the whole body of Jesuits throughout the world are incorporated by the Province of Quebec. The first clause of the Act is as follows:—

"The 'Society of Jesus' shall be a corporation, composed of the Reverend Fathers Henri Hudon, Adrien Turgeon, Léonard Lemire, George Kenney, Arthur Jones, and all persons who now or may hereafter form part of the said Society, in accordance with its rules, by-laws and regulations. Under the above name it shall have perpetual succession."

So that the Act of Incorporation, which I venture to think is not worth the paper it is written upon—and I trust it may be found so—actually incorporates the whole body of Jesuits, and only in that sense. They pretend to represent the body of 1763, which was suppressed in 1774. But I place no reliance on that suppression. I admit we cannot take notice, standing in an English country, governed by English laws, paying regard, as we are bound, to the Act of Supremacy, of that suppression. The English law officers of the Crown could not notice the suppression by the Pope of the Order of the Jesuits. I affirm that beyond all fear of contradiction. I say it is impossible, in an English community, to say that the Pope's bull or the Pope's brief dissolving a corporation could have the slightest possible effect. So that the matter

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stands in the way I have endeavored to point out, and I say without fear of contradiction, that my hon. friend from Stanstead (Mr. Colby) was right, when he said there was not the shadow of foundation, or even the pretence of a moral claim. Under these circumstances, is there any possible standing ground for this Act? Does it not violate the rule of the separation of Church and State in this country, and the equality of all religions? I need not go through the second ground of this resolution, because I have sufficiently dealt with it; so I have now come, and I trust without undue delay, to the other branch of the argument I desire to present. In all fairness to my hon. friends, I must say that, if there is, in the legal propositions which I have endeavored faintly to put forward, a reasonable doubt, I do not think that, standing alone, it would be becoming on the part of a Minister of the Crown, to disallow the measure, because that would place it, as you will see, in the hands of the Government here, to disallow, on pretence of *ultra vires* of the Local Legislature, enactments which might be open to question, and which the parties ought to have the benefit of the ruling of a Court upon. But I have endeavored to point out, upon the grounds I have already stated, that this Act ought to have been disallowed as being beyond the power of a Local Legislature. I do not desire to be at all misunderstood. I do not pretend that the Crown of England, or the Crown of any other country, cannot submit matters to a foreign Power. We know it is done continually. We know that matters are settled by arbitration, and that generally, and almost always, it is done by calling in the arbitration of a foreign Power; but I contend that, while the Sovereign Power can do that, the private subject cannot. There is a broad distinction. If I have a dispute with my hon. friend, I cannot submit that to the President of the United States, because the dispute would be between British subjects. And I say that a Province cannot do that, because it does not represent the plenary power of the Crown; and I say that even this Parliament cannot do it, and, of course, it does not stand in the same position as the Parliament of Great Britain and Ireland. But on the grounds of policy, surely I am right. Surely there are not men enough in this House who will cast any doubt upon the clause of this resolution which declares that there should be a separation of Church and State, and absolute equality of all religions before the law. Surely in this part of the nineteenth century, and in free Canada, we will not have to fight for a principle which we thought was determined for all time when the secularization of the Clergy Reserves took place. Is it because this is a particular church? If it is right in the Province of Quebec to grant money to the Church of Rome, it would be equally right in the Province of Ontario to grant money for the maintenance of the Methodists or the Episcopalian body or Scotch body; and, if we did that, there would be no hesitation—and properly so—in bringing before the House the complaint of the minority whose money would be spent in that way and for that purpose. We never find that, when the body to which I refer feels that its interests are at stake, and that injustice is being done, it has any hesitation or makes any delay at all in coming at once before Parliament and announcing its grievances. These people never say: We are afraid we will be stirring up religious strife, causing hard feelings, or putting race against race or Catholic against Protestant. No, they come here—as they have a right to do—and boldly put their case before Parliament, no matter what it may be; and they always manage to get justice, at all events. If Parliament think any doubt is to be cast upon this measure, if they find that this money is dedicated for educational purposes, I think in that case the point I am attempting to make would fail; but when I observe the definiteness under which the \$60,000 is voted, I cannot see that any such purpose is intended with regard to the \$400,000.

I, therefore, say that that part of the case is made out. Let me now come to a question which I would have willingly avoided. Let me invite the attention of the House to the greater question which is before it. These are technical matters that I have dealt with so far—matters perhaps of moment, matters of great importance, but still, after all, they are more or less purely legal in the narrow sense of the word. But I assail this legislation upon broader and higher grounds. I say that the incorporation of, and the grant of money to, the Jesuit body under any pretext or for any purpose, was an Act which should at once have been disallowed if it were passed by a Provincial Legislature. I put that upon the highest possible grounds. I think I have a right, and it is a right which I propose to exercise, to speak with freedom on this subject. I will assail no man's religion. I will not utter a word, which, properly understood, will give offence to the most sensitive on this subject; but I deny the right of my hon. friend behind me, or anyone else, to gag me, and to say, You must remember that the Jesuit body is under the protecting ægis of His Holiness of Rome, and you must not speak of it except with bated breath. I deny that any such rule can apply to this free Parliament. It is not a question of religion. It is not a question whether the religion of the Church of Rome is better than the religion which I was brought up in, and which I profess. I am not to sit in judgment upon my fellow members. They are quite right to worship their God in any manner they choose, as I am right in worshipping Him in the manner I choose, but I contend that the Church of Rome needs not the Jesuit body for its organization or its support. It is true that, during the reign of certain Pontiffs, that order has received the support of the Church. It is also true that, during the reign of certain other Pontiffs, it has been banned and sometimes dissolved. One case has been mentioned, and it was once before, if my hon. friend will go so far back, though it is, perhaps, unfair to bring it up here in judgment against them. The fact, however, proves that the order, or company, or society of which we are speaking, is not in any sense essential to the free, perfect, and full enjoyment of the Roman Catholic religion. And what is the society, what is the object of its founder? I will quote from what appears to be a very fair statement in the *Quarterly Review* of 1874, containing a summary of what appears to have been the object of the founder. It was:

"To effect an organization which would result in a thoroughly disciplined and mobilized body of men, moving like a highly trained military unit at the word of command, and standing ever ready under the proclaimed chieftainship of Jesus, to war against and smite by superior dexterity of arms, the foes adverse to the absolute ascendancy of the Papal system."

Let any person who knows anything about their history quarrel with that definition of the Order of Jesus. I should be glad to know wherein that definition is incorrect. They take a vow of implicit obedience to their chief. He says go, and they go; come, and they come. They are educated so as to have no will, and, to use the language of the spiritual exercises of the founder of the Order himself, they ought to be:

"Like a corpse who has neither will nor understanding, or like a small crucifix which is turned about at the will of him who holds it, or like a staff in the hands of an old man, who uses it as it may best assist or please him."

I believe I am citing nothing which is not reliable. I take this from the authorized version of the Constitutions, as they are called, and it is to be found among the Spiritual Exercises determined by the founder. Let me give one extract upon this subject:

"It is so complete and entire that while every member of the society is obliged to obey the General as implicitly and as blindly as if he were Jesus Christ, in all things whatsoever, without reserve, without exception, without question or examination, or even mental hesitation, to carry into execution anything he may prescribe with the same fullness of consent and submission that they feel in the belief of the dogmas of the Catholic faith itself, to be in his hands as passive as a corpse, or as a staff in the hands of an old man, or as Abraham when under the command of God, he was ordered to sacrifice his son, he must persuade himself on principle that all he is ordered to do is right, and above all personal feeling and volition."

I am quoting from the decree of the Parliament of Paris. Much more might be adduced to the same effect. Those who have thought of this subject, those who have given it any consideration, have, no doubt, made up their minds one way or the other on it. Nothing, perhaps, is more true than the statement that is made in the report of the Attorney General of Paris, who was called upon to investigate the position of this body. Looking at them as one set of people are anxious to do, and they appear to be all right; look at them from the other side, and they hardly appear to the same advantage. I think it is only fair to say—I do not desire at all to be misunderstood—the individual men are, perhaps, the *élite* of their order, highly educated, better educated, better men upon the whole, for their system of drill, the long probationary period they have to undergo, necessarily weeds out the weak ones and leaves only the strong and robust—intellectually as well as physically—and, I suppose, that amongst no equal number of men will the compeers of the Jesuits be found. I will read a note showing the view of the Attorney General of the Parliament of Paris, in his report:

“The constitutions have two faces—”

That reminds me of the shield of the hon. gentleman opposite, one side of which he presented on his visit to England to float our bonds, and the other side of which he showed to us when he came back.

Sir RICHARD CARTWRIGHT.—Both sides were perfectly correct.

Mr. McCARTHY.—I accept that illustration also; that applies still more forcibly to what I am going to read—both sides here appear to be perfectly correct also:

“The constitutions have two faces, because they were formed into two intentions—on the one side for the glory of God and the salvation of souls; and on the other side, for the glory of the Society and its future extension. This causes the difference of opinion concerning them. Their admirers look only at the first aspect, and their detractors see only the second.”

Now I think that statement was one I was bound to make, because I am not at all here as a Protestant bigot, I do not pretend to make any statement as a Protestant. I was astonished to hear the hon. member for Stanstead (Mr. Colby) speak as a Protestant. I do not speak as a Protestant. I speak as a representative of my constituency, entitled to discuss all subjects that are presented here, and without offence, as I trust I am doing on this occasion, to the feelings of any hon. member of this House. Now, let me give a slight idea of their organization, of the vows which they take, of the obedience which their doctrine inculcates, and which they are always willing to render. I will show what is said of them in modern times, because I have been told, and I admit the fact, that it is not fair to judge any order or body of men by their history of two or three hundred years ago. But I think I will be able to show that, down to a very recent period, there is in this body no change nor shadow of turning, that it is their boast that they are, and will continue, as long as they exist, to be under the same rules that the founder of the Order, now the sainted Ignatius, established for them. Now, let us see what is said of them by comparatively recent writers. I regret that our library does not afford a very full catalogue of works in regard to this subject, and I have been compelled to rely upon authorities writing 20 or 25 years ago. I will read such as I have, and the House will be able to judge of their pertinence to the Order at present.

Mr. Garnier says:

“They know but one law, one faith, one morality. That law, faith, and morality, they call authority. To a Superior they submit life and conscience. To their Order they sacrifice individuality. They are neither Frenchmen, Italians, Germans nor Spaniards. They are not citizens of any country. They are Jesuits only. They have but one family, one fortune and one end; and all these are included in the word Community.”

Mr. LANDERKIN.—A regular Tory Order.

Mr. MCCARTHY.—Very much like that: that is the only reason the hon. gentleman does not belong to them, I am afraid. I am now quoting from the *Quarterly Review*, and if hon. gentlemen will take the trouble to read that article, and it is a fair criticism, so far as I am capable of judging, of the works of the Jesuits and the Jesuit writings which were under review, I think they will be satisfied. In the *Quarterly Review* of 1874 I was very glad to find that the popular delusion as to the poisoning of the Pope who dissolved the Order, was exploded by the writer. Down to a very recent period indeed, this has been believed and even reasserted on the authority of a high and distinguished German doctor, who wrote in 1872, and stated on what appeared to be undoubted authority that Pope Clement the Thirteenth had been poisoned by what appeared to be that Order.

Some hon. MEMBERS.—Oh, oh!

Mr. MCCARTHY.—I say that a German doctor said so, and that this English authority in 1874 exploded that doctrine and showed that it did not rest on any solid foundation. I was very glad, and I am sure any hon. gentleman will be glad to find that that is so. But the author who dealt with the Jesuits in that impartial spirit may, perhaps, be entitled to some credence, when he depicts, as he does in the following year, some doctrines held by the Order. He endeavors to establish, and in my humble judgment, he does establish, that the three principles upon which the Order is established are probabilism, mental reservation, and that the end justifies the means. To argue that, would involve an inquiry foreign perhaps to this discussion. I am merely stating the conclusion at which the writer arrived, and every hon. member can form his own opinion as to whether that opinion is well or ill-founded. But, in practical matters, let us see what this Order lays down. First, as to the duties of a judge, the writer says:

"We are told, also, it is by no means decided that a judge is bound never to accept money gifts from a party to a suit before him. If the gift were proffered with the view of influencing a prospective judgment, contrary to justice, the judge should, indeed, sternly refuse acceptance; but, the sentence having been already pronounced, it is a matter of controversy whether he may not retain what might then seem a mere offering of gratitude from one benefited by the delivered sentence, even when this had been contrary to justice. Decisions of this character subvert fundamental notions as to right and wrong. Let us take the case of a person knowing all about a theft and accepting hush-money from the guilty party. According to received ideas, the compact would be criminal. Father Gury, however, decides that, provided the person bribed be not *ex-officio* bound to give information, the bargain would be quite lawful, 'as without injustice he might keep silence about the thief, in deference to his entreaties * * * therefore, *ex-parte*, without injustice, silence might be observed in deference to gifts given or promised.'"

I need not tell the hon. gentlemen who have paid any attention to the subject that Father Gury is a comparatively modern writer, that his works were published under the authority of the Propaganda, and therefore under the highest authority, and his works are for morals, for teaching in the schools, and for the guidance of those who desire instruction of this kind. So far in regard to the judges. But there is also a law for witnesses, and the law for witnesses is even more dangerous than the law laid down for the judges. The writer says:

"The first point laid down is, that no obligation to make reparation can attach to any one who has given false witness from invincible ignorance, inadvertence, or delusion, a proposition which, though not wholly free from objections, we will not canvass. But Father Gury proceeds to consider the case of one who, with the view of supplying deeds that have been lost, and of promoting the success of indisputable right (the indisputableness of such right being left to the subjective test of individual appreciation), either reproduces, that is, forges, or tampers with a writing, a chirograph, or a deed of acknowledgement; and he concludes that, though a person acting thus, 'would, indeed, sin venially on the score of a lie, the document produced not being the authentic one, on the strength of which judgement should rest; and thought he might possibly incur a grave sin against charity toward himself by exposing his person to imminent peril of very severe penalties in the likely event of detection; nevertheless he would be free from all sin against mutual justice, and would consequently stand absolved from all obligations to make restitution.'"

Mr. CURRAN.—Will the hon. gentleman give the authority?

Mr. MCCARTHY.—I am quoting from the *Quarterly Review* of 1875.

Mr. DESJARDINS.—Who is the writer?

Mr. McCARTHY.—I cannot tell.

Mr. CURRAN.—Has the hon. gentleman consulted Father Gury in the original?

Mr. McCARTHY.—I leave that for the hon. gentleman to do. I do not suppose a writer in a great magazine like the *Quarterly Review* misrepresents Father Gury; if the hon. gentleman thinks so, I rather imagine he will find himself mistaken. If he will take the trouble to read the article, which was not written in a spirit of hostility but rather of inquiry for the truth, I shall be glad. I have now done with that part of the subject. But I think there are people in this country, the fair sex, who ought to be protected. It seems there is a rule, a law for them also, and that breach of promise is not an improper act in certain events and in certain cases. The writer says:

"In the matter of plighted troth we learn from Gury 'that he who has sworn it to a girl, rich and healthy' is not bound by his oath should she happen to have become poor or fallen into bad health. Again we are informed that a probable opinion, countenanced by St. Liguori, would allow an engagement to be broken off if a 'fat inheritance' should accrue, seriously modifying the status as to fortune of either party, and the case is thus illustrated:—'Edmund has betrothed himself to Helen, a girl of the same station and fortune as his own. As he was on the very point of celebrating his wedding, he acquired a fat inheritance from a deceased uncle. Wherefore, he repudiates Helen, that he may marry another with a fortune to match. It seems that Edmund should not be disturbed for this. Jilting is no infrequent practice, but it is striking to find it justified in a handbook of morals, whenever 'faith could be kept only by the surrender of a big advantage which would be tantamount to great loss.'"

That is a comfortable doctrine for one side, but rather uncomfortable for the other.

Mr. MITCHELL.—It is hard on the girls.

Mr. McCARTHY.—Yes, as my hon. friend says, it is hard on the girls. I will pass over the next extract in consideration for the galleries. If this is anything like a proper statement of the moral teaching of the Order, I hardly think it is one that ought not to be bonussed, to use a familiar term, by any of our Local Legislatures. But what as regards the history of this Order? Is it disputed as an historical fact that they are responsible for the expulsion of the Huguenots? I trow not.

Mr. LANGEЛИER (Quebec).—It is disputed.

Mr. McCARTHY.—I am astonished to learn it; I thought it would not be disputed. Is it doubted that they counselled and brought about the revocation of the Edict of Nantes. Is it doubted that they were responsible for the causing of the Thirty Years' War? Is it seriously open to question that they had much to do with causing the Franco-German War? Of course, those hon. gentlemen who will not believe anything against the Jesuits will not believe that, but there is weighty evidence to show that they were concerned in precipitating that war, which, as we all know, occurred in comparatively modern times.

Mr. BERGERON.—In whose interest?

Mr. McCARTHY.—In the interest of the order and body to which they belong, in the interest of the church, of which they are the light horse, the Cossacks, the advanced guard. Now, I suppose Cardinal Manning's statement with regard to them will not be denied to be, at all events, an authentic statement; and Cardinal Manning, in his book of sermons published by Duffy of Paternoster Row, at page 187, says, writing of the Jesuit Order:

"That it embodies the character of its founder, that the same energy, perseverance and endurance, it is his own presence still prolonged, the same perpetuated order, even in the spirit and manner of its working, fixed, uniform and changeless."

That is within the life of the distinguished prelate who speaks of them as being the same as they were 300 years ago.

Mr. BERGERON.—We do not deny that.

Mr. McCARTHY.—No person will deny that. Then, it is useless to continue the argument, it is useless to make citations; but I do think

the hon. gentleman from the original to read the review, of the Pope who very recent authority and stated the

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that their expulsion from France in 1880 would be of interest to my hon. friends, and that it would not have been altogether treated as of no consequence. It is strictly true that France is now a Republic, enjoying a free Government, but it is perfectly clear that the Jesuits were expelled, and the gentleman who had charge of the educational department in France put forward those grounds for the reason for their expulsion. If I cite from past history I will be told, "Oh, the Order may have been changed," and if I cite from modern days I dare say that there will be some other answer, but I do say this, and I think we ought all to be willing to accept it, that everybody else cannot always have been in the wrong, and the Jesuits always in the right. They have been expelled from every country time and time again.

Mr. BERGERON.—But they are back again.

Mr. McCARTHY.—Yes, they are back again.

Mr. AMYOT.—They were not expelled from Russia.

Mr. McCARTHY.—They were, and I will give the hon. gentleman the date of their expulsion. Having been expelled from Russia and Prussia they found a harbor of refuge in that country after being suppressed by the Sovereign Pontiff, and, having lived there under the protection of that Government, the education and training of those whom they brought up were found incompatible, as they were found elsewhere and must always be found, according to their teachings, incompatible with any Government or any organized condition of society. These are the reasons which made not only the expulsion of the Jesuits from Russia necessary, but also brought about, as we find, the putting an end to "the concordat" which, up to a certain time, had existed between the Court of St. Petersburg and the Sovereign Pontiff at Rome. I will refer to what M. Ferry said, in introducing this measure in France for the expulsion of the Jesuits, and I am not going to read it all, but just one or two particulars, because I do not care to deal with what may be termed even remotely the religious aspect of the question. I want to treat this simply from the position of state, whether, as a matter of statesmanship, as a matter of policy, it was proper to have permitted this Act to remain in force, or whether it is not proper and right that this Act should still be vetoed. The measure in the French Chamber, as explained, is chiefly directed against the Jesuits on the ground that "they are the enemies of the state, that their teachings are in opposition to the principles of government, and would suppress all freedom of education." Many other reasons were given against the Jesuits by M. Ferry, and the following among the rest. He quoted the decree of the Parliament of 1826 which recites:

"That the edicts by which the Jesuits had been banished and dissolved, were founded upon the recognized incompatibility of their principles with the independence of every Government."

Mr. BERGERON.—What are you reading from?

Mr. McCARTHY.—I am reading from the published report of the debates that took place in Paris at the time of the expulsion of the Jesuits.

Mr. MULOCK.—What report is it?

Mr. McCARTHY.—It is a condensation of the report of the debates. M. Ferry then goes on to say, from the statement of the Archbishop of Paris, M^r. Darboy:

"That the Jesuits were neither subject to the jurisdiction of the Diocesan, nor obedient to the laws of the State."

And further:

"That the State is, in temporal matters, subordinate to the Church, and has only the authority which an inferior tribunal possesses, for confirming the sentence of the superior; that in questions of marriage, burial, institutions for charitable purposes, liberty of conscience, and questions of the moral law, the spiritual power may intervene to correct or annul the civil laws."

Further, M. Ferry quoted from some passages from public works, showing:

"A detestable hostility to all the laws and institutions of modern society. These works distinctly taught the divine right of kings, and advocated the carrying on of religious wars. They attacked the Revolution, and glorified the revocation of the Edict of Nantes; they calumniated Necker and Turgot; they rejected the principle of the national sovereignty, and they taught that France was beaten in the late war because she had deserted the Pope. In these books universal suffrage and trial by jury are denounced as vexatious institutions, liberty of conscience and worship were condemned, and the liberty of the press was asserted to be a principle that has never been admitted by a wise government."

Whether those are principles which ought to be endorsed by this Parliament it will be for the House to judge.

Mr. BERGERON.—Were they expelled then?

Mr. McCARTHY.—Yes.

Mr. BERGERON.—But they are there now.

Mr. McCARTHY.—The hon. gentleman has perhaps more information than I have on that subject, but that they were expelled is beyond question. I told the hon. member for Bellechasse (Mr. Aymot) that they were expelled more than once from France. They were expelled from France in 1595, at the close of the War of the League. Now, I do think that in this stage of the debate it is not necessary to trouble the House by reading the decree of suppression of the Pope in 1773; but surely if the Order has not changed, surely if they have remained as they were, there is ground for interference. I think it was about the time of their expulsion from France, in 1762, when it was asked of them to change their mode of carrying on operations, and when the answer was: "We must continue to be as we are or cease to exist." I say that when those things are considered; this evidence of a statement made by the Pontiff with full knowledge of all the circumstances it is impossible to displace; there is no way of getting rid of that evidence. It cannot be impugned by the members of the church of which the Pontiff referred to was a distinguished ornament. It cannot be impugned by any candid person, because the character of Pope Clement was of the very highest order and he stood conspicuously above his compeers. Now, a list was given—and, therefore, I need not repeat it—of the expulsion of the Jesuits from various countries. It is not to be lost sight of that they were expelled from Germany in 1872. They had been admitted into Prussia by Frederick II. and why were they expelled? It seems to me that the reason for their expulsion is particularly applicable to our position here, for there was in that country a mixed community of Protestants and Catholics. The Jesuits were admitted to that country, the corporation having been dissolved and they having been sent about their business by a decree to which I have referred, and having obtained a foothold in Prussia, what was the result? Let me read:

"But in North Germany they became very powerful, owing to the footing Frederick II. had given them in Prussia, especially in the Rhine Provinces; and gradually moulding the younger generation of clergy after the War of Liberation, succeeded in spreading ultramontane views amongst them, and so leading up to the difficulties of the civil government which issued in the Falk laws and their own expulsion."

Now, Sir, I have done with the extracts which I propose to make upon that subject, and I come to the more important part of the subject under consideration. It may be that all I have urged is true, and that yet if this matter—I am arguing it now, of course, upon that theory—was in the legislative competence of the Province, it ought still to remain as law. I will venture, Sir, to ask the House seriously to consider the position in which we stand. The worship of what is called local autonomy, which some gentlemen have become addicted to, is fraught, I venture to say, with great evil to the Dominion. Our allegiance is due to the Dominion of Canada. The separation into Provinces, the right of local self-government which we possess, not to make us less citizens of the Dominion, is not to make us less anxious for the promotion of the welfare of the Dominion; and it is no argument to

say that because a certain piece of legislation is within the power of a Local Parliament, therefore the legislation is not to be disturbed. By the same Act of Parliament, by which power is conferred upon the Local Legislature, the duty and power—because where there is power there is a corresponding duty—are cast upon the Governor-in-Council to revise and review the acts of the legislative bodies. The Legislatures are not to be at liberty to run in different directions, to promote in one Province one nationality and one church, and in another Province another nationality and another church, or in any other way to run counter, because such courses must inevitably bring about the dissolution of Confederation. It is not because a Province is kept in check, it is not because its legislation is vetoed, that there is danger to our system. We can impose no law upon a Province; it is merely a negative power which the central Government possesses—a power to prevent evil laws, in the sense which I speak, in the wider field of the Dominion, viewed here from the centre—and this power ought to be, of course, prudently, wisely, but duly exercised when occasion may require. It must be exercised by Ministers who are responsible to this House. To my hon. friend from West Durham (Mr. Blake), we are indebted for the clear recognition of the principle that His Excellency the Governor-General, in every act of allowance or disallowance, must find Ministers in this Parliament who have the confidence of this Parliament, and who are willing to accept the responsibility for this act. And that is the safeguard to the Constitution; that is the safeguard which will always make it impossible for any Minister here to advise His Excellency to disallow measures which ought to be permitted to go into operation. But if the other system is set up, if the alternative presented by my hon. friend from Stanstead (Mr. Colby), is to be adopted; if you are to say that because a law has been passed within the legislative authority of the Province, therefore it must remain; we can easily see, Sir, that before long these Provinces, instead of coming nearer together, will go farther and farther apart. We can see that the only way of making a united Canada and building up a national life and national sentiment in the Dominion is by seeing that the laws of one Province are not offensive to the laws and institutions, and, it may be, to the feelings of another—I will go so far as to say that they must be to some extent taken into consideration. Not, by any means, that those considerations are always to govern, but they are matters worthy of the consideration of statesmen. If the powers of the Province were foreign powers, if they owed no local allegiance, if they were not subject to the control of a government who enjoyed the confidence of this House, the hostile legislation of one Province would be a fit subject of remonstrance from a friendly power. It may not be a very apt illustration, but at the moment it occurs to me that Napoleon III. remonstrated during the time of Lord Palmerston, because he said that under the law of England persons who were known to intend his assassination were harbored in England. We know what the result of that was, that the English people rebelled against the interference of a foreign power. I do not know whether the same spirit dwells in their descendants here. This illustration shows what I mean. Under our system, no matter what the law may be, no matter how hostile the people of the adjoining Province of Ontario may consider this law to be, the answer which is given as the final and conclusive answer, without appeal or recourse, is that it is passed by the Province of Quebec within the legislative power of that Province, and therefore it must go into operation. Now, take this particular Bill. If the view which I venture to hold is correct—and, Sir, I hold it after careful consideration—the view which is held by a large body of the people of the Province, men distinguished for learning, men distinguished for piety, men distinguished in all the walks of life, as to the

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character of this Order; the view which is held, with the record before us of the expulsion of the Order from every Christian State in Europe; I say, is it possible to imagine that the establishment of such an Order as that is not a matter of concern to the people of the Province of Ontario and the rest of the Dominion? Putting the question on the lowest ground, is the Order thus subsidized going to confine its operations within the Province of Quebec? True, the money is to be spent there, although I do not know how that is to be seen to. I find no machinery for ascertaining how the money is to be expended; but, assuming that the money is to be spent there in good faith, it only strengthens the Order for incursions beyond the border. We know that some of its members—some of the very same gentlemen, I believe, who have been incorporated—do sometimes visit the Province of Ontario. It is idle, therefore, to say that you can establish such an Order as that, and that it is not a matter of common concern to the rest of the Dominion.

Mr. AMYOT.—Do you object to them?

Mr. MCCARTHY.—I decidedly object to them, or I would not be standing here.

Mr. BERGERON.—They are British subjects.

Mr. MCCARTHY.—Yes, I believe in this country they are; but, as I have already pointed out, the whole body, numbering perhaps 20,000 men, is incorporated by this little Bill of the Province of Quebec. The very words of the Bill are; "All who now are or may be of that Order." I have heard it said, Oh, you are too late. Where were you when the Incorporation Act was under consideration? Why did you not raise your voice then? Why did not the Protestants then strike at the root of the evil? I do not know, though I am pretty familiar with what is called the doctrine of stoppel, that any such doctrine can be applied to a people. I am not aware that the laches of a Government I have supported, or that the laches of hon. gentlemen on either side, are to prevent the people from objecting, even if it be too late to object to the Act of Incorporation, to the Act of Endowment, honored by the official seal of the Legislature of the Province of Quebec. In my judgment the Act of Incorporation amounted to very little. The Jesuit body claimed to be incorporated before, and they did not pretend to get incorporation except for the purpose of holding lands in the Province. They claimed to be incorporated under the revival of the Order by the Pope in 1814, and the only object of their incorporation by the Act was to enable them to hold real estate, which is a matter not particularly concerning the rest of the Dominion. What does strike me, what has roused the people of the Province from which I have the honor to come, as they have never been aroused in my time, is that one of the Provinces has thought fit to recognize by its legislation and its grant of public money, the Order which they have been brought up to oppose, their experience of which in later years has strengthened their early training in that respect. Is it the work of politicians? I think in that it is unique in its character. I believe on no platform, in no place, has the voice of any public man in the Province been raised in promoting this agitation. It has come from the people. It is promoted, not by the so called professional politician or any politician, but by the people. By the people it is supported, by the people it is maintained, and by the people it is bound to succeed, be it sooner or later. This is not going to end the controversy. The controversy, as it is said, has come to stay. The principle which the Bill involves, and which this measure has drawn attention to, is perhaps the one which excites naturally the greatest indignation, and has called forth the greatest agitation. It is impossible to believe that the men who are at the bottom of this agi-

tation are moved by any particular purpose, or particular view, or particular aggrandizement. I was astonished to hear the hon. member for Lincoln (Mr. Rykert) denounce these men. They were, he said, mere ministers, Principal Caven, a teacher of the Presbyterian body, a man with whom I have not the honor of personal acquaintance, a man who, so far as I know, in politics differs from me, but a man who, so far as I have heard, is entitled to the respect of every citizen where he lives and is known. Dr. Stafford, who ministered in this city for many years—men of that description are not thus lightly to be spoken of and sneered at because they have stepped out from the ordinary walk of their calling, and gone on the platform to uphold what they believe to be the rights of the citizens. I submit instead of that being a subject of sneering, instead of its being a subject which would call for the condemnation of my hon. friend from Lincoln (Mr. Rykert), it is the best tribute to their sincerity. This spontaneous exhibition on the part of the people is genuine and heartfelt, because it is really intended and really meant. Now, these are the reasons why the Government should disallow this measure. I have but one other, which I spoke of before, and it is the question of religious equality. I listened with rapt attention to the—will I call it plaintive—appeal made by my hon. friend behind me. There is no censure, he said, which you can make upon this occasion, which will not fall with ten-fold force upon the Protestant minority of the Province of Quebec. Nothing that you can say here can remedy the laches which the Protestant minority displayed in not opposing the majority. I am not here to explain the cause of these laches. I do think we need not go very far for the reason, and I dare say before this debate closes we will learn it; and I call upon hon. members who represent the Protestant constituencies in Quebec, to tell us whether they accept the doctrine of my hon. friend behind me. I ask the hon. member for Huntingdon (Mr. Scriver), I call on the hon. member for Brome (Mr. Fisher), I call on the hon. member for Argenteuil (Mr. Wilson) to let us in Ontario understand whether there is the turtle dove peacefulness existing between the Protestant minority and the Catholic majority in the Province of Quebec which the hon. member for Stanstead (Mr. Colby) depicted last night. I call on them to state whether there is nothing but billing and cooing between these separate and distinctive parts into which that Province is divided. My hon. friend's language would seem to imply that. The Protestants enjoyed every Protestant liberty—really they were allowed to manage their own little Protestant affairs as if there were no majority at all. They were in no way thwarted, interfered with, or troubled by this majority, but the instances he cited to us of this spirit of toleration on the part of the majority were, to my mind, unfortunate and unhappy. Mr. Joly was one. He was, I believe, the leader of the Liberal party, as my hon. friend has stated, but has my hon. friend forgotten modern history? Has he forgotten that Mr. Joly was deposed from his position, or resigned, because of the impossibility of acting with the majority. Has he forgotten that Mr. Joly actually resigned his seat, and that practically he was driven out of public life?

Mr. LAURIER.—He was always opposed to the minority.

Mr. McCARHY.—Well, so much the worse for that minority. I say that minority has no reason to plume itself upon Mr. Joly's successor. Those who opposed him in former times must certainly now look back with regret.

Mr. MITCHELL.—You mean Chapleau, Ross and the others. You cannot mean Mercier also.

Mr. MCCARTHY.—I do not mean you, and that ought to be quite sufficient for my hon. friend from Northumberland (Mr. Mitchell), nor do

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I even mean his organ, the *Herald*. Another example cited was the Protestant paper, the *Witness*. The *Witness* had never said anything. I do not know how that may be. But is it true that the *Witness* was excommunicated and remains still under the ban of the Church? Is it not true that the people of a certain religion cannot buy the *Witness* newspaper, under the pains and penalties that may follow thereon? That did not seem a very happy way of manifesting the toleration of the majority of the Province of Quebec. At last my hon. friend's argument culminated—will he pardon the word—in what appeared to me the acme of absurdity, when he said the Protestants recognized no right in the Jesuits of a legal kind. The Protestants disclaim that there is any moral claim. The Protestants were opposed to the introduction of the name of His Holiness the Pope as—did he use the word pestiferous? Or what was the word almost as strong—a bitter pill for them to swallow. But they did not do anything. The act took away from them their education fund. By one short clause it is declared that the education fund hitherto belonging to Protestants and Catholics alike shall become a part of the general revenue of the country, and that out of the general revenue of the country the \$60,000 might be paid to the Protestant minority of the Province of Quebec; and not one word was raised against this Act of spoliation.

Mr. LANGEIER (Quebec).—Where is that to be found?

Mr. McCARTHY.—In the latter part of the Act, if the hon. gentleman will read it.

Mr. LANGEIER (Quebec).—I have not seen it.

Mr. McCARTHY.—I cannot make the hon. gentleman read it. And there is not one word from the Protestant minority. It is easy to understand how they get on, as they say, if they submit to all that injustice without a word of remonstrance. It is easy to understand how happy they can be if the Protestant minority are willing simply to take what they can get, a seat here occupied by my hon. friend from Stanstead (Mr. Colby), with a seat in the other House given to the representative of the majority. My hon. friend tells us that no Protestant can be elected in the Province if the majority choose. If the Protestants come here from that Province only to carry out the behests of the other side, they are a deception. We do not realize their position, because we understand that they are representing the minority, but it appears that they are truly the representatives of the majority, and we are told that, if this cry is raised, if this body is assailed, if we venture to raise our voices in this Parliament we are going to raise such a cry that the Protestant representatives from the Province of Quebec will lose their seats. I cannot believe that it is possible. I cannot believe that my hon. friend is right in thinking so; but even at that expense, even at the loss of my hon. friend from this House, which, together with that of other members, would be a calamity to the country, though I cannot believe that that would be the result of a fair, full, frank and calm discussion of the subject, although it is one which trenches upon feelings which are guarded most sensitively, still that would have to be borne. For these reasons, I venture to think, it will not be found that my hon. friend's statements are correct. As he made the statement, my eye caught the report in the newspaper that petitions were being signed in the city of Montreal, that already 3,000 names had been obtained to those petitions, and that more were coming in—petitions to the Governor-General, calling upon him to disallow this measure. Does this look as if the Protestants of the Province of Quebec were desirous, and willing, and anxious that this legislation should remain unchanged; or does it not seem that if the Protestant minority in that Province were given reasonable encouragement, that they would get justice—and no more than justice

are they entitled to, and no more than justice I hope they will ever ask for—from the Parliament of this country—that then they would be up and doing, to take their part in the Legislature; but in the Legislature of that Province, composed as it is now, they cannot expect it. There was no Protestant representative in the Cabinet of that Province until recently, and, when one was chosen, he had to be elected in spite of the Protestant minority. I can understand that, if there were a fighting man in the House like the hon. member who leads the Third party here, there might be a chance of obtaining something like justice, but men with that skill and ability, with parliamentary knowledge to back it, are not to be found every day, and we are not to judge the Protestant representatives of the Province of Quebec on that high standard. We were told that the *Herald* had not said anything about this iniquitous scheme, though the hon. gentleman (Mr. Mitchell) said that if he had been there he would not have approved of it. I have not heard anyone approve of it. It has gone without defence. The hon. gentleman from Stanstead (Mr. Colby) does not approve of it. Perhaps my hon. friend from Lincoln (Mr. Rykert) does approve of it, in his great desire to have perfect religious liberty, and not to drive the French out of Canada. My hon. friend (Mr. Mitchell) candidly told us that he would not have approved of it. Then, what muzzled the great organ of public opinion? Was it because it was the organ of the Government? At one time that was the organ of the Protestants of the Province of Quebec.

Mr. MITCHELL—I will tell the hon. gentleman, if he wishes to know.

Mr. McCARTHY.—I will let the hon. gentleman tell me when I get through. Perhaps then you will allow me to ask you a question or two.

Mr. MITCHELL—I will give you perfect liberty.

Mr. McCARTHY.—I think we are encouraged to persevere in the course we have pursued, and the course we have taken, by the ebullition of popular feeling which we now see is aroused and is manifesting itself in the Province of Quebec. It cannot now be said that it is only the members from Ontario who have raised this cry, and who are seeking for this disallowance.

Mr. MITCHELL.—That is all it is.

Mr. McCARTHY.—Then the petitions are very extraordinary, and I can hardly accept the contradiction of my hon. friend in the face of these petitions. I cannot do better than close in the language of Principal Caven, I adopt every word which that distinguished gentleman uttered the other evening in reference to the question of disallowance. Speaking on this question, he says:

"He was quite willing to admit that within their own district limits the autonomy of the Provinces ought to be respected. Under the Act of Federation certain subjects were designated as belonging to the Dominion, and certain subjects were named as within the jurisdiction of the several Provinces, and while he had never committed himself to the principle, as a universal principle, that the central authority could not revise the Acts of the Provinces that were within their own limits; while he distinctly desired not to be committed to that principle; while he did hold that as a general thing it was a safe and wise principle, as long as the Province has kept fairly and definitely within its own limits, even though its action is not the wisest action, that the central authority should be very careful about revising it—he believed that occasions did arise when it was not simply permitted to the central authority, but that it was the bounden duty of the central authority to revise provincial legislation, legislation lying distinctly within the limits of the Provinces. He supposed on most subjects he would be regarded as thinking with the Liberal party, but if the Liberal party had even taken ground in opposition to that he must beg to be excused from following the Liberal party. He supposed that was a bold thing for a man who was neither lawyer nor politician to say, but was prepared to take the ground that the Jesuits' Estates Act was not within the limits of the Province of Quebec. So far as it dealt with education it was within those limits, so far as it dealt with money it was within those limits, but he thought he could show that it was marked by features which took it out of those limits, and made it a matter that the Dominion ought to deal with."

Dalton McCarthy's reply to Sir John Thompson's speech will be added to the second edition, which will be ready in a few days.

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